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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,691	04/17/2001	Donald Soares	52295/00101	7169

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EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,691

Applicant(s)

SOARES ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-41 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4, 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. Applicant should note the changes to patent practice and procedure:

A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;

B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and

C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.

2. The drawings are objected to because

A) the drawings must show every feature of the invention specified in the claims, therefore, the subject matter of claim(s) {fill in} must be shown in the drawings as required by 37 CFR § 1.83(a) or the feature(s) canceled from the claim(s) (note: no new matter should be entered).

B) The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 C.F.R. § 1.81(c).

D) the following errors have been noted in the drawings:

(1) the drawings lack figs. 9, 12 & 13 as disclosed at line 1 of paragraph number 53 of the disclosure, "Figures 7-14 illustrate ... information into the pricing database 150.".

2.1 A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2.2 Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

3. The disclosure is objected to because of the following informalities:

A) as required by 37 CFR § 1.84(p(5)) and 37 CFR § 1.121(e) the specification lacks an explicit reference to the nature of:

(1) how the program proceeds after step(s):

(a) 260 of fig. 2 if the inquiry is "N" in paragraph number 22 of the disclosure, "A decisional step 260 ... different printers. The method then ends at step 270.";

(b) 340 of fig. 3B if the inquiry is either "Y" or "N" in paragraph numbers 32 & 33 of the disclosure, "In one embodiment of the invention ... manual execution. The method then ends at step 360.";

(c) 350 of fig. 3B if the inquiry is "N" in paragraph numbers 32 & 33 of the disclosure, "In one embodiment of the invention ... manual execution. The method then ends at step 360.".

(d) 410, 445 & 470 of fig. 4 if the inquiry of each of these steps is "N" in paragraph numbers 40, 41 & 42 of the disclosure, "The present invention can ... in step 450. The method then ends at step 455.".

In this regard, it is noted that merely mentioning a number with out mentioning the device or operation of the step relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

B) the following errors have been noted in the specification:

E) as can be seen in figs. 9A, 9B, 12A, 12B, 13A & 13B and from the context of paragraph number 53 of the disclosure, "Figures 7-14 illustrate ... information into the pricing database 150.", at line 1 of this paragraph "7-14" should be -7, 8, 9A, 9b, 10, 11, 12A, 12B, 13A, 13B and 14—.

D) the subject matter of claims {fill in} lacks antecedent basis within the specification as required by 37 CFR § 1.75(d1).

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings.

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Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

5. This application is in condition for allowance except for the following formal matters:

A) see above.

5.1 Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

5.2 A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE 2 (TWO) MONTHS FROM THE DATE OF THIS LETTER.

6. The following is an Examiner's Statement of Reasons for Allowance over the prior art:

A) the prior art, for example:

(1) Farrell (5,383,129), which discloses using a stored bill/charge/rate information and the specifications of a print job to estimated the cost of the printing job.

(2) Akita (JP 10-171875), which discloses using a stored bill/charge/rate information and the specifications of a manufacturing job to estimated the cost of the manufacturing job as well as the required raw materials.

(3) either Maruta (6,064,838) or Antoniak or Sevcik et al (6,330,542), which discloses using a stored bill/charge/rate information and the specifications of a print job to estimated the cost of the printing job, where the operator may change the specifications of the print job before the job is started.

94) Watanabe (JP 2001-92616), which discloses using a stored bill/charge/rate information and the specification of a print job sent over a network to estimated the cost of the printing job.

(5) either Quallen et al (2002/0128953) or Soars et al (2002/0152183), which discloses using a stored bill/charge/rate information and the specifications of a print job to estimated the cost of the printing job, where the buyer and seller may negotiate the estimate.

B) however, in regard to claims 1, 21, 34 & 37, the prior art does not teach or suggest a printing estimating system in which a central location determines estimates for

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a number of print providers based on the specifications for a print job as received from an user, provides the user with at least the lowest cost estimate, and then permits the provider with the lowest cost estimated and the user to negotiation the actual cost of the print job. Claims 2-21, 22-30, 35, 36 & 38-41 are allowable for the same reason.

C) however, in regard to claim 31, the prior art does not teach or suggest a printing estimating system in which a print job is estimated based on the specifications for a print job received from an user, the specifications of the print job are modified and the print job is run using the modified job specifications, obtaining a second estimating the print job based on the modified specifications and then comparing the actual cost of the print job invoice and the second estimate to determine if the actual invoice complies with second estimate or substantially high than the second estimate. Claims 32 & 33 are allowable for the same reason.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

7.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

7.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

7.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

08/07/03


Edward R. Cosimano
Primary Examiner A.U. 3629